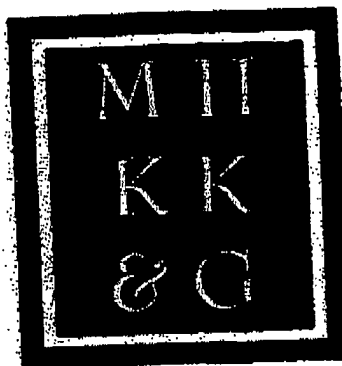


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PATENTS, TRADEMARKS, COPYRIGHTS &amp; UNFAIR COMPETITION

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700 LAVACA, SUITE 800  
AUSTIN, TEXAS 78701  
TELEPHONE (512) 853-8800  
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FAX

5957-41701

To: U.S. Patent Office

From: B. Noël Kivlin/Karen Ashby

Attn: Examiner David Kim

Pages: 13

Fax: 571-273-3033

Date: August 9, 2005

Re: U.S. Patent App. No. 09/728,373

Phone: (512) 853-8841

## ● Comments:

Pursuant to our conversation, please see attached Amendment B filed 4/4/05.

If you have any questions or comments, please do not hesitate to contact me.

Karen Ashby

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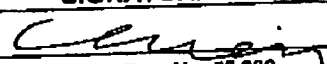
AUG 16 2005

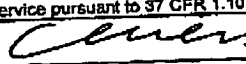
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+

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence during pendency of filed application)</i>		Application Number	09/728,373
		Filing Date	11/28/2000
		First Named Inventor	Ting K. Yee
		Group Art Unit Number	2633
		Examiner Name	David S. Kim
Total Number of Pages in This Submission	12	Attorney Docket Number	20852-05169

ENCLOSURES (check all that apply)	
<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input checked="" type="checkbox"/> Check Enclosed <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Response to Notice to File Missing Parts <input type="checkbox"/> Assignment & Recordation Cover Sheet <input type="checkbox"/> Declaration <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A <input type="checkbox"/> Copies of IDS Cited References <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Request for Correction of Recorded Assignment <input checked="" type="checkbox"/> Amendment/Response: [9] Page(s) <input type="checkbox"/> After Final <input type="checkbox"/> Status Request <input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Letter to Chief Draftsperson <input type="checkbox"/> Formal Drawing(s): [ ] Sheet(s) of Figure(s) [ ] <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____
REMARKS:	

SIGNATURE OF ATTORNEY OR AGENT		
Signature:		Dated: April 4, 2005
Attorney/Reg. No.:	Colleen V. Chien, Reg. No. 55,082	

CERTIFICATE OF MAILING		
I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.		
Signature:		Dated: April 4, 2005
Typed or Printed Name:	Colleen V. Chien, Reg. No. 55,082	

20852/05169/SF/5140557.1

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**FEE TRANSMITTAL**  
**for FY 2005**

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

<b>TOTAL AMOUNT OF PAYMENT</b>	<b>(\$)</b> 225.00
--------------------------------	--------------------

**Complete if Known**

Application Number	09/728,373
Filing Date	11/28/00
First Named Inventor	Ting K. Yee
Examiner Name	David S. Kim
Art Unit	2833
Attorney Docket No.	20852-05169

**METHOD OF PAYMENT** (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None  
☐ Deposit Account: \_\_\_\_\_

Deposit Account Number	19-2555
------------------------	---------

Deposit Account Name	Fenwick & West LLP
----------------------	--------------------

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

### FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee	Fee	Fee	Fee		
Code	(\$)	Code	(\$)		

**SUBTOTAL (1)**

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims		Fee from below	Fee Paid
Total Claims	<input type="text"/>	<input type="text"/> - 20% = <input type="text"/>	<input type="text"/>	<input type="text"/>
Independent Claims	<input type="text"/>	<input type="text"/> - 30% = <input type="text"/>	<input type="text"/>	<input type="text"/>
Multiple Dependent			<input type="text"/>	<input type="text"/>

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim, if not paid
1204	200	2204	100	**Reissue independent claims over original patent
1205	50	2205	25	**Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)**

-or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)**

### 3. ADDITIONAL FEES

Large Entry		Small Entry	
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	65
1052	50	2052	25
1053	130	1053	130
1812	2,520	1812	2,520
1804	920*	1804	920
1805	1,840*	1805	1,840
1251	120	2251	60
1252	450	2252	225
1253	1020	2253	510
1254	1,590	2254	795
1255	2,160	2255	1,080
1401	500	2401	250
1402	500	2402	250
1403	1000	2403	500
1451	1,510	1451	1,510
1452	500	2452	250
1453	1,500	2453	750
1501	1,400	2501	700
1502	800	2502	400
1503	1100	2503	550
1460	—	1460	—
1807	50	1807	50
1808	180	1808	180
8021	40	8021	40
1809	790	2809	395
1810	790	2810	395
1801	790	2801	395
1802	800	1802	800

Other fee (specify):

### Fee Description

**Fee Paid**

- Surcharge - late filing fee or oath or declaration
- Surcharge - 1sta provisional filing fee or cover sheet
- Non-English specification
- For filing a request for *ex parte* reexamination
- Requesting publication of SIR prior to Examiner action
- Requesting publication of SIR after Examiner action
- Extension for reply within first month
- Extension for reply within second month
- Extension for reply within third month
- Extension for reply within fourth month
- Extension for reply within fifth month
- Notice of Appeal
- Filing a brief in support of an appeal
- Request for oral hearing
- Petition to institute a public use proceeding
- Petition to revive - unavoidable
- Petition to revive - unintentional
- Utility issue fee (or reissue)
- Design issue fee
- Plant issue fee
- Petitions to the Director
- Processing fee for Provisional Applications
- Submission of Information Disclosure Stmt
- Recording each patent assignment per property (times number of properties)
- Filing a submission after final rejection (37 CFR 1.129(a))
- For each additional invention to be examined (37 CFR 1.129(b))
- Request for Continued Examination (RCE)
- Request for expedited examination of a design application

**SUBTOTAL (3)** **(\$)** 225.00

**•Reduced by Basic Filing Fee Paid**

**Complete (If applicable)**

SUBMITTED BY		Registration No.	55,062	Telephone 415.875.2319
(Print Name)	Colleen V. Chien	(Attorney/Agent)		

Name (Print/Type)	Colleen V. Chien
-------------------	------------------

Registration No. (Attorney/Agent)	55,062
--------------------------------------	--------

April 4, 2005

**Signature**

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AUG 15 2005

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Yee and Chang  
SERIAL NO.: 09/728,373  
FILING DATE: November 28, 2000  
TITLE: OPTICAL COMMUNICATIONS USING HETERODYNE  
DETECTION  
EXAMINER: David S. Kim  
GROUP ART UNIT: 2633  
ATTY. DKT. NO.: 20852-05169

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: 4-4-05	By: <i>Chien</i> Colleen V. Chien, Reg. No. 55,062

MAIL STOP AMENDMENT  
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P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

AMENDMENT B

Sir:

This amendment for the patent application identified above is in response to the  
Office Action dated December 2, 2004, which set a shortened statutory period for response  
that expires on Monday, April 4, 2005 including a one-month extension.

08/16/2005 SMINASS1 00000029 192555 09728373

01 FC:2252 225.00 DA

Case 5169 (Amendment B)  
U.S. Serial No. 09/728,373

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20852/05169/SF/5140448.1